IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4779 OF 2004

The Solapur District Supervision
Cooperative Societies Ltd. ..Petitioner

Vs.

1. The Assistant Provident Fund
Commissioner and anr. ..Respondents

Mr. Surel Shah for petitioner.
Smt.S.V. Bharucha for respondents.

CORAM: B.H. MARLAPALLE, J.

Date : December 20, 2007.

P.C.:

1. Heard Mr. Shah the learned counsel for the petitioner and Smt. Bharucha the learned standing counsel for the respondents.

2. A short grievance in this petition raised is about the impugned order dated 14/5/2004 having been passed under Section 8F of the P.F. Act without hearing the petitioner. By the said order the petitioner has been called upon to pay a sum of

Rs.96,73,011/- by way of arrears towards the interest. Smt. Bharucha the learned counsel for the respondents, on the other hand, points out that prior to the order passed under Section 8F, the order dated 23/4/2004 was passed under Section 7Q of the P.F. Act for the recovery of interest on Rs.96,73,011/-. Mr. Shah the learned counsel for the petitioner maintained that even before this order dated 23/4/2004 was passed the petitioner was not heard and petitioner vide its letter dated 14/5/2004 submitted to the respondents and pointed out that an amount of Rs.2,25,12,802/- was already paid in excess of the recovery dues under Section 7A of the P.F. Act.

3. Smt.Bharucha the learned standing counsel, on taking instructions from the officer present in the court, stated that the petitioner would be heard for calculation of the interest amount under Section 7Q of the Act and all the documents submitted by it will be taken into consideration by the respondents. Mr.Shah is agreeable for the same.

4. Hence, it is directed that the petitioner shall remain present before the respondent no.1 on 14/1/2008 between 11.00 a.m. to 2.00 p.m. and submit additional documents, if any. The respondent no.1 is directed to hear the petitioner or its Officer and fresh order will be passed either confirming the earlier order or modifying the same within four weeks from 14/1/2008. Until then the earlier orders dated 23/4/2004 and 14/5/2004 will remain suspended and more so because as directed earlier the petitioner has deposited an amount of Rs.48,00,000/-.

5. Petition is disposed off in terms of the above directions.

(B.H. Marlapalle,J.)